IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 483 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE H.H.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

DHIRUBHAI H DAND

Versus

STATE OF GUJARAT

Appearance:

MR JAYANT PATEL for Petitioners

MR BY MANKAD APP for Respondents

CORAM : MR.JUSTICE H.H.MEHTA

Date of decision: 21/12/2000

ORAL JUDGEMENT

The revision petitioner has, by filing this Criminal Revision Application under Sec. 397 of the Criminal Procedure Code, 1973 (for short "Cr.P.C.") challenged correctness, legality and propriety of order dt. 20th October, 2000 passed by the Additional District

Magistrate, Junagadh District at Junagadh in exercise of his powers conferred upon him under Sec. 144 of Cr.P.C.

2. Heard Shri Jayant Patel, the learned advocate for the revision petitioners and Shri B.Y.Mankad, the learned APP for the revision opponents. The Impugned order has been passed by the Additional District Magistrate, Junagadh District at Junagadh in exercise of powers conferred upon him under Sec.144 of Cr.P.C. It is at Annexure : A which is dated 20th October, 2000. In view of Sec.144(4) of Cr.P.C. this order dt. 20th October, 2000 cannot now remain in force and effective because such type of order passed under Sec.144(1) of Cr.P.C. can remain in force and effective only for two months from the date of making of that order. In view of this, the effect of impugned order has now lapsed on 20th December, 2000.

3. Shri B.Y.Mankad, the learned APP representing the State -Opponent No.1 as well as Officer who passed the impugned order -opponent no.2, makes the statement at the Bar that before expiry of period of two months, the State Government has not passed any further order under Sec.144 of Cr.P.C. for the subject matter by issuing separate notification giving effect on expiry of impugned order. In view of the statement made by Shri B.Y.Mankad, the learned APP. for revision opponents, this Criminal Revision Application has now become infructuous, and therefore, this Criminal Revision Application stands disposed of as having become infructuous. Rule is discharged. Interim relief granted earlier stands vacated forthwith.

Date:21/12/2000. (H.H.MEHTA,J.)
ccshah